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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/552,088	04/19/2000	Elliott D. Light	12307/100130	4158

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KENYON & KENYON
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WASHINGTON, DC 20005

EXAMINER

ELISCA, PIERRE E

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 07/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/552,088

Applicant(s)
Elliot D. Light et al.

Examiner
Pierre E. Elisca

Art Unit
3621



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 13, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 AND 129-148 is/are pending in the application.
- 4a) Of the above, claim(s) none is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 AND 129-148 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION
RESPONSE TO AMENDMENT

1. This Office action is in response to Applicant's amendment filed 05/13/2003.
2. Claims 1-50 and 129-148 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, and 6-50 are rejected under 35 U.S.C. 102 (b) as being unpatentable over Clark et al. (U.S. Pat. No. 5,890,140) in view of Rogge et al (U.S. pat. No. 5,500,890).

As per claim 1, Clark discloses an electronic delivery system that integrates a plurality of financial services which is equivalent to Applicant's claimed invention wherein said a system for data recipient electronic transactions comprising:

a first network (see., abstract, fig 1); and

a second network (see., abstract, fig 1); and

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at least one data recipient computer associated with at least one data recipient and connected to the first network, wherein the at least one data recipient computer further comprises web server software for hosting a web page and executing client software for allowing the at least one data recipient to send and receive information over the first network (see., abstract, fig 1); and

at least one gateway computer connected to the first network and a second network, the at least one gateway computer having gateway software for allowing the file exchange between the first and second networks (see., abstract, fig 1, securities);

at least one data subject network communication device (Internet) associated with at least one data subject and connected to the second network, wherein the at least one data subject having software for accessing and communicating over the second network to the gateway computer to send and receive information over the first network (see., fig 15, col 20, lines 65-67, col 21, lines 1-60);

at least one data repository (fig 1, element 11) connected to the first network, the at least one data repository having data repository (see., fig 15, col 20, lines 65-67, col 21, lines 1-60, gateway or securities, col 14, lines 14-21). It is to be noted that Clark fails to disclose that the client software includes instructions for forwarding a data recipient's offer to the gateway computer, the second network. However, Rogge discloses a second network or virtual network and a network software or NCD software (see., col 6, lines 31-40, col 9, lines 1-11). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the electronic delivery of Clark by including a second network and a network software or NCD software because

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such modification would provide an electronic delivery system with high degree of access control for improved security.

As per claim 2, Clark discloses the claimed limitation, wherein the data repository further comprises instructions to send the purchasing information to the at least one data recipient computer (see., fig 1, element 11, col 4, lines 50-67, col 5, lines 1-54).

As per claims 8-50, and 129-148 Clark discloses an electronic delivery system that integrates a plurality of financial services which is equivalent to Applicant's claimed invention wherein said a method for purchasing an item over a first network coupled to a second network, comprising the steps of:

at a data recipient computer connected to the first network (see., abstract, fig 1); and

receiving a request for an offer from a data subject network communications device connected to the second network (see., abstract, fig 1); and

in response to the request, sending the offer and a data file from the data recipient computer to the data subject network communications device (or Internet); and at a data repository (element 11 of Fig 1) connected to the first network (see., abstract, fig 1); and

in response to the offer, determining an identity of a data subject based on the message (see., abstract, fig 1, securities or gateway);

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gathering payment data associated with the data subject based on the identity (see., abstract, fig 1, securities or gateway);

presenting the offer to the data subject network communications device, receiving a purchase decision from the data subject network communications device, and sending payment data to the data recipient computer (see., fig 15, col 20, lines 65-67, col 21, lines 1-60, fig 15, col 20, lines 65-67, col 21, lines 1-60, gateway or securities, col 14, lines 14-21).

5. Claims 3-5 and 6-7 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Clark et al. (U.S. Pat. No. 5,890,140) and Rogge et al. , and further in view of Official notice.

As per claims 3-5 and 6-7 Clark discloses the claimed limitation, but he fails to teach the steps of consisting of the Internet, LANS, WANS, Wireless and cable networks. However, Examiner hereby takes Official notice that LANS, WANS, wireless or cell, cable networks , HTML, XML, and WNL are notoriously well-known in the art, and therefore, it would have been obvious to a person of ordinary skill in the art to modify the article of manufacture of **Clark** by including LANS, WANS, wireless or cell, and cable networks because LAN, WAN are geographic area equivalent to a standard metropolitan statistical that shared transmission medium and packet broadcasting and wireless and cable networks are way of communications (i.e satellite or coaxial cable or order means of communications).

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Response to Arguments

6. Applicant's arguments filed 5/13/2003 have been fully considered but they are not persuasive.

REMARKS

7. In response to claim 1, Applicant argues that the prior art of record (Clark) taken alone or in combination fails to teach or suggest:

“ the use of nay protocols associated with web server software, such as e.g., HTTP, HTML, XML, WML. However, the Examiner respectfully disagrees since this limitation is nowhere to be found in the claim, and therefore, Applicant’s argument is moot.

Conclusion

8. The prior art made of record and relied upon is considered to applicant’s disclosure.

Any inquiry concerning this communication from the examiner should be directed to Pierre Eddy Elisca at (703) 305-3987. The examiner can normally be reached on Monday, Tuesday, and Wednesday from 5:30AM. to 6:00PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner’s supervisor, James Trammell can be reached on (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of patents and Trademarks

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Washington, D.C. 20231

The Official Fax Number for TC 3600 is:

(703) 305-7687



Pierre Eddy Elisca

Patent Examiner

July 20, 2003